



MINUTES

BOARD OF EQUAL RIGHTS COMMISSIONERS

September, 20th 2017 at 2:30pm

Room 303, City Hall, 200 E. Wells Street Milwaukee, WI 53202

Present:

Commissioner Jeffery Roman, Chair
Commissioner Chez Ordonez, Vice-Chair
Commissioner Tony Snell
Commissioner Mayhoua Moua

Absent:

Commissioner Sheila Ashley

Jessica Langill, Dept. of Administration
Ben Roovers, City Attorney's Office
Patricia Ruiz-Cantu, Dept. Of Administration
Rebecca Rabatin, ADA Coordinator
Captain Heather Wurth, Office of the Chief
Megan Wanke, Metropolitan Milwaukee Fair Housing Council
R.L. McNealy, Community Coalition for Quality Policing
Ashley Altadonna, FORGE
Shelley Gregory, Milwaukee LGBT Community Center
Livia Rowell-Ortiz, Gender-Queer Milwaukee
James Carnell
Reverend Joseph Elwinger
Rachel Campbell
Mr. Winston
2 additional community members

The meeting was called to order at 2:34pm by Commissioner Ordonez without quorum.
Quorum met at 3:20pm

1. Approval of Minutes from August 16, 2017 Listening Session

Held until quorum reached. Commissioner Snell moved to approve the minutes, Commissioner Roman seconded. Minutes approved unanimously.

2. Community Coalition for Quality Policing

R.L. McNealy, representing the NAACP and CC4QP came to speak to the ERC about their recommendations for new MPD Standard Operating Procedures. McNealy stated that he was sent by Fred Royal, president of the Milwaukee chapter of the Equal Rights Commission. He asked if he could read their list of recommendations to the Commission and provided copies. He stated this document has been distributed widely to the community. He also stated that these recommendations mirror the recommendations from the recent DOJ report.

Recommendations and discussion are as follows:

1. Officers should know as many people as possible in the area they patrol
2. MPDs involvement in collaborative efforts with community members to reduce crime should be increased. McNealy stated that many community members have shared that they do not believe
3. Rank and file police officers should be encouraged to express ways of improving police-community relations without fear of reprisal.
4. Psychological Evaluations should be required for all police officers.
Commissioner Snell asked what type of psychological evaluations are already required and asked if there are currently opportunities for police officers to seek counseling. McNealy stated there is a psychological evaluation given during the hiring process but that there needs to be ongoing evaluations throughout their employment. Commissioner Snell stated that negative stigma could be perpetuated by stating that all police officers need psychological evaluations throughout their career. He suggested instead that counseling and psychological services be readily offered and available but not necessarily required. Another community member stated that ongoing psychological evaluations was a great step toward improving the police force but that these evaluations need to be done long before a police officer is hired to check for racist tendencies and beliefs. She stated these tests would help the racial profiling issue in Milwaukee. She also brought up the mental health needs of the community that the police are meant to serve. She stated it is very important to think about the trauma and the current state of mind of the community.
5. Body-worn cameras should be worn and turned on at all times.
6. Critical Incident Films should be released within 1 week after statements have been taken
MPD Community Engagement Sessions should involve sessions that are held quarterly and focus on problem-oriented policing and best practices. McNealy stated that community listening sessions in the past have been more of the community listening to the police officers instead of the police officers really listening to the community. Commissioner Snell stated this issue would be something the ERC could facilitate. He also stated that we will be reporting back to the Mayor's Office and Common Council about the issues discussed today. Commissioner Ordonez stated that while the ERC does not have oversight over MPD but that the role of the ERC is to facilitate discussions between the community and city departments. A community member stated that the police

are supposed to be trained mental health and first-responders. She stated they are supposed to be trained to sense depression and other mental health issues. She stated that community members need to serve in correlation with police officers to look for mental health issues and to ensure that the police department works appropriately with the community member. She stated that the community does not feel comfortable with the police being the only first-line of support. Commissioner Ordonez brought up the safety issues that could happen if community members showed up at a situation before police arrived to assess the safety of the situation. The community member stated that someone from the community should show up at the same time in order to hold the police accountable for their mental health training. She stated this is especially important in situations where police are called to remove children from a home. Commissioner Moua asked if there are currently community organizations that could take on this role. The community member stated that members of Running Rebels are currently trained as mental health first-responders. She stated there are many community organizations that are trained.

7. Centralized Time-Limited Receipt-Bearing Complaints should be made and recorded only at the Fire and Police Commission. Complaints shall be resolved by no later than sixty days after being made. McNealy also brought up the Fire and Police Commission office and that it should be given the resources needed to have a useful space for the community to come and give their complaints. A community member stated that the current complaint process is broken and many community members do not feel that it is worth taking a complaint to the FPC because they do not hear back in a timely fashion. He stated that there are also citizens who are afraid to voice their concerns to police. Commissioner Ordonez asked if there is a report that shows how many complaints are taken in vs. how many are resolved. McNealy stated that there is a report but that there are many complaints that are lost in the system.
8. MPD officers should adopt the posture of being “guardians” rather than “warriors” unless exigent circumstances require otherwise. McNealy stated the current motto of the police department is “Be a Force” but instead should be something more along the lines of “protect and serve.”
9. The role of community liaison officers (CLOs) should be expanded such that they become linking mechanisms between the police department and the community. McNealy stated that the current CLO program is not working and more should be done to build community trust than having CLOs show up at block parties/meetings and handing out ice cream to kids at festivals.
10. In addition to established department criteria, MPD officers should be evaluated on how effective they are at working in collaboration with residents and organizations in their districts in preventing and or resolving circumstances associated with the production of criminal conduct.
11. Neighborhood watch groups such as block clubs should be among the various community groups and neighborhood associations involved in MPD/Community Engagement (“listening”) sessions.
12. Incentives should be created for officers to live in the districts they patrol or, at the least, in the City of Milwaukee.

13. Crisis Intervention Trainings (CITs) designed to enhance the ability of MPD officers to recognize symptoms of mental health problems should be continued and required. Rebecca Rabatin stated that as part of Milwaukee's settlement agreement, any city employee that has direct contact with the public must go through a 3-hour training regarding working with people with disabilities. She stated that there is also a 40-hour crisis intervention training that all Officers will go through, but that it will take 5 years to get through the entire police force. A community member stated that 5 years is far too long and there needs to be a plan to make the training go faster. Rebecca Rabatin stated follow-up questions should be directed to Captain Davila. McNealy stated that there should be a conversation with providers and community members to figure out ways to make the training go quicker.
14. "Cite and release" for minor low-level nonviolent offenses. McNealy states that unnecessary arrests and holding time negatively impacts families. He suggested that tickets would be more impactful.
15. Increase the capacity/resources and enhance the role of the Milwaukee Fire and Police Commission to investigate and act upon the complaints of residents.
16. All complaints should be fully investigated and appropriate discipline provided in a transparent process.
17. MPD services will be provided in a professional, unbiased and effective manner regardless of the racial makeup of the neighborhood.
18. Every MPD Officer should be able to recognize symptoms of a mental illness in the people they encounter.
19. Community liaison officers function as recipients of immediate neighborhood feedback, especially "tips" to the police.
20. Trainings are offered regularly to commissioners by the administrative leadership of the Milwaukee Fire and Police Commission.

Commissioner Roman stated that the ERC will be working with the FPC in the future to host a listening session and that the date is TBA. Jessica Langill requested an electronic copy of the recommendations. A community member talked about the importance of policy change in improving the MPD. He also referenced page 73 of the DOJ report which states that percentage-wise, African Americans are least likely to have guns.

3. Standard Operating Procedure 117 - Interaction with Transgender, Intersex and/or Gender Non-Conforming (TIGN) Persons

Commissioner Snell stated that the MPD and a group of community partners have been working together to update the current SOP for dealing with the transgender community. A community member (Livia Rowell-Ortiz) from Gender-Queer Milwaukee directed the ERC to the current draft that the workgroup has been working on. She stated there are a couple concerns of the current draft. She stated the current draft is a big improvement from the last SOP but that the new draft is problematic because it states that all TIGN prisoners shall be housed with prisoners that have the same gender identity as the TIGN person. Livia stated this is an issue due to high potential of violence and trauma. A community member shared personally that he did not believe transgender men could be offered true safety in holding cells

with cis-gender men. Instead, the suggestion is that each TIGN prisoner should be able to choose which gender they would like to be housed with. Commissioner Snell stated that solitary confinement should not be considered as a solution to this issue.

Captain Heather Wurth stated that this draft is still a work in progress and that there are currently discussions in-house to address the additional concerns. She stated once the draft is revised it will go to the executive staff and unions for review and then goes on the agenda for the FPC for final acceptance. Commissioner Snell asked when community input would be taken. Commissioner Ordonez stated that the public could address concerns at the FPC meeting, but Commissioner Snell requested that the draft go back to the community partners or to the ERC before going to the FPC. Captain Wurth stated she would talk to Director Siletti about further community involvement. Captain Wurth stated herself and Director Siletti are willing to address the additional concerns.

A community member stated that she also had an issue with the classification section of the draft SOP. She brought up gender non-conforming individuals and stated that the current design would have to force them into a “male” or “female” box. Commissioner Snell also brought up the Municipal ID and that it has a gender non-conforming marker. A community member (James) stated that the current draft would force a decision to be made on “gender expression.” He stated that this is problematic because there really is no one way to express a gender. Captain Wurth stated the Muni ID will be accepted as a legitimate form of identification but that the computer systems the MPD uses is controlled by the state and it would not be an easy task to simply add another gender marker. She stated that notes about gender nonconformity could be added in the “notes” section. She stated they are in the process of updating the internal records system and there have been discussions about whether they can have a non-binary gender marker to mirror the Muni ID. Shelley Gregory from the Milwaukee LGBT Community Center stated they would like to work with the MPD to lobby at the state and federal level to update gender markers in state and federal systems.

Rebecca Rabatin brought up shared bathrooms and the safety risks that could present to transgender individuals. James stated that according to the Prison Rape Elimination Act (PREA), each prisoner should be able to assess their own potential risk and be able to choose where they would like to be held for their psychological and physical safety. He suggested that Milwaukee’s SOP should mirror guidelines in PREA. Captain Wurth reiterated that the MPD will take these concerns into consideration when working on the final draft of the new SOP.

Community members requested a time-line on when the considerations would be added into a final draft. Captain Wurth stated she could not provide an exact date, but that this is one of the priorities the MPD is focusing on. She did state that once the final draft is completed, the executive officers and unions get 30 days to review the policy and then the FPC gets an additional 30 days to review. She stated that this process will take at least a few months.

4. IndependenceFirst Listening Session Discussion

Rebecca Rabatin distributed handouts regarding the listening session. She stated she was happy with the amount of city employees who showed up to listen about the issues. Rebecca stated on

the city website ADA page there is a form that can be submitted for complaints dealing with sidewalk accessibility and snow removal. She also brought up the request for curb-cuts in the middle of long blocks. She stated she has reached out to DPW about this issue but that there are some safety concerns with having people in wheelchairs using curb-cuts in the middle of blocks. Commissioner Ordonez stated that the ERC would be willing to get behind policy and procedure recommendations from Rebecca regarding curb-cuts and other accessibility issues. He also stated that as the Commission deems necessary, it can request reports and information from departments about what they are doing to improve accessibility.

Rebecca stated that the Fair Housing Council is a great resource for people with complaints against landlords. She also stated that the city trains landlords on landlord and tenant rights regarding people with disabilities. Commissioner Ordonez brought up the mailings city landlords get and stated that the ERC should include some materials discussing equal rights. Commissioner Snell also asked Rebecca to keep track of any complaints she receives so that ERC can have a better understanding of equal rights issues in the city. Rebecca brought up the discussion about adaptive bikes. She stated there has been a lot of discussion with DPW previously about adaptive bikes but that the city already had made a decision about not including adaptive bikes in the bike share program. However, DPW agreed to open the case back up and a workgroup will be put together to look at options and feasibility. Commissioner Ordonez asked that a final report be given to the ERC when a recommendation is finalized so that the ERC can be involved with official recommendations.

Rebecca stated the city Health Department released a mental-health report called Milwaukee Elevate and that they are currently looking for public comment and feedback. Commissioner Roman stated that the Equal Rights Commission should be listed as a community partner that will help provide increased partnership for government and community.

Rebecca brought up the abuse of accessible parking spaces. There was concern about city vehicles parking in these spaces. Commissioner Ordonez stated that the ERC should take up this issue. Rebecca stated there also need to be policies and procedures created for how to properly close roads with accessibility issues in mind.

5. Upcoming Listening Sessions

Held until next meeting

6. Chapter 109 and Operating Procedure

Commissioner Roman stated that Jud Leg did approve the most current draft of the Equal Rights Ordinance and that it would be up for adoption at the next full Council meeting. Attorney Ben Roovers brought up 2 changes that will be made to the draft before it is taken to the full Council meeting. He stated that the statute of limitations needed to be added to 109-7 4b. Ben Roovers also stated that changes needed to be made to 109-25 sub 3 to state that one complaint would be charged as one violation and that charges would not incur daily unless separate/additional violations occur. Ben Roovers stated that the appeals process would go through municipal court and would be left up to them for final decision.

A community member stated that the ordinance is a violation of Title VII of the Civil Rights Act. She stated that the exception regarding private security licensing/arrest and conviction record was unconstitutional due to the Civil Rights Act. Attorney Ben Roovers stated that Title VII does not cover arrest and conviction record. The community member stated that she believes it does because it covers employment discrimination and imposes double jeopardy. She asked for the rationale for the exception and brought up state statute 440-12 stating that it was also a discriminatory practice. Ben Roovers stated that the ERC has no jurisdiction over state mandated laws and that state and federal laws supercede the Equal Rights Ordinance. He stated that the ordinance is constitutionally sound.

Ben Roovers also brought up the concern about transgender individuals who feel that they have been discriminated against but do not want to go to state or federal with their complaint. He suggested that these complaints be brought to the city and then Jessica Langill would help them through the process and build a work-share agreement that would allow her to send them directly to someone at the EEOC that will be able to help them through the process. If the EEOC says they are not willing to take the complaint, then the complainant could come back to the ERC for remedy.

A community member stated that as a resident and a constituent of the city of Milwaukee she did not believe that the ordinance draft did not promote equality for all residents of the city. She stated that the ordinance was a violation of many constitutional rights. She stated that felons and African American men were not given a fair opportunity of obtaining a license to gain employment. Commissioner Snell stated that the ERC must follow state statute and that exceptions are only listed to honor state and federal law. Commissioner Snell stated that the ERC can set up a listening session to discuss these issues.

She also asked about city accountability and why it was removed in the new ordinance. She stated clearing house has also been removed. Commissioner Roman stated that the function of the ERC around city accountability and community engagement has not changed or gone away. He stated the revised ordinance was meant to clean up the language and take out any extra wording. She stated that accountability should be explicitly listed in the ordinance. She stated that the ERC needs to ensure that racism and discrimination was to be prohibited. Commissioner Roman stated that the role of the ERC is to hear the concerns of the people and to articulate/advocate concerns to the Mayor's Office, Common Council, and the right city departments. He stated these concerns can be directed to the Office of Black Male Achievement and the Office of African American Affairs. Commissioner Roman requested that the community member write her objections and send it to Jessica Langill. He also invited her to the full common council meeting and invited her to share her concerns at that meeting.

7. Statements and Media

Held until next meeting

8. Community Events Report

Held until next meeting

9. Community Dialogue & Upcoming Events

Commissioner Roman shared that the Black Male Achievement Advisory Council would be meeting at City Hall on September 25th from 10am-12pm. He encouraged community members to come and talk to that committee about her concerns.

10. Next Meeting is Wednesday, October 18 @ 2:30pm

11. Adjourn

Meeting adjourned at 5:50 p.m.

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